

**U.S. District Court
NORTHERN DISTRICT OF OHIO (Cleveland)
CIVIL DOCKET FOR CASE #: 1:23-cv-00546-DAP**

Pesta v. Cleveland State University et al
Assigned to: Judge Dan Aaron Polster
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 03/16/2023
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Bryan Pesta

represented by **Frederick C. Kelly , III**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Cleveland State University
TERMINATED: 07/14/2023

represented by **Karen L. Giffen**
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Defendant

Cleveland State University Board of Trustees

In their official capacities
TERMINATED: 01/03/2024

represented by **Karen L. Giffen**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Laura Bloomberg

in her individual and official capacity

represented by **Karen L. Giffen**
(See above for address)
ATTORNEY TO BE NOTICED

Kerin L. Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Paul J. Neel
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Harlan M. Sands

in his individual capacity

represented by **Karen L. Giffen**
(See above for address)
ATTORNEY TO BE NOTICED

Kerin L. Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Paul J. Neel
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Benjamin Ward

in his individual capacity

represented by **Karen L. Giffen**
(See above for address)
ATTORNEY TO BE NOTICED

Kerin L. Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Paul J. Neel
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ATTORNEY TO BE NOTICED

Defendant

Christopher Mallett

in his individual capacity

represented by **Karen L. Giffen**
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ATTORNEY TO BE NOTICED

Kerin L. Kaminski
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ATTORNEY TO BE NOTICED

Paul J. Neel
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Conor McLennan
in his individual capacity

represented by **Karen L. Giffen**
(See above for address)
ATTORNEY TO BE NOTICED

Kerin L. Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Paul J. Neel
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ATTORNEY TO BE NOTICED

Defendant

Wendy Regoeczi
in her individual capacity

represented by **Karen L. Giffen**
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ATTORNEY TO BE NOTICED

Kerin L. Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Paul J. Neel
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 03/16/2023 | <u>1</u> | Complaint for money damages and declaratory and injunctive relief against All Defendants. Filing fee paid \$ 402, Receipt number AOHND-11897613. Filed by Bryan Pesta. (Attachments: # <u>1</u> Exhibit 1 - Article "Global Ancestry and Cognitive Ability", # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons - Cleveland State University, # <u>4</u> Summons - Laura Bloomberg, # <u>5</u> Summons - Harlan M. Sands, # <u>6</u> Summons - Benjamin Ward, # <u>7</u> Summons - Christopher Mallett, # <u>8</u> Summons - Conor McLennan, # <u>9</u> Summons - Wendy Regoeczi). (Kelly, Frederick) (Entered: 03/16/2023) |
| 03/16/2023 | | Judge Dan Aaron Polster assigned to case. (L,MI) (Entered: 03/16/2023) |
| 03/16/2023 | | Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Jennifer Dowdell Armstrong. (L,MI) (Entered: 03/16/2023) |
| 03/16/2023 | <u>2</u> | Original Summons and Magistrate Consent Form issued to counsel for service upon Laura Bloomberg, Cleveland State University, Christopher Mallett, Conor McLennan, Wendy |

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| | | Regoecki, Harlan M. Sands and Benjamin Ward. (Attachments: # 1 Magistrate Consent Form). (L,MI) (Entered: 03/16/2023) |
| 03/17/2023 | | Order and Notice [non-document] The Court hereby notifies the parties that it is currently an adjunct faculty member and on the Board of Visitors of Cleveland State University Law School. While the Court does not believe this connection creates a conflict, if either side requests a recusal from this case, they are directed to file a notice no later than April 17, 2023. If no notices are filed, the Court will remain as presiding judge. It is SO ORDERED. Entered on behalf of Judge Dan Aaron Polster on 3/17/2023. (K,K) (Entered: 03/17/2023) |
| 04/28/2023 | 3 | Attorney Appearance by Karen L. Giffen filed by on behalf of All Defendants. (Giffen, Karen) (Entered: 04/28/2023) |
| 05/11/2023 | 4 | Attorney Appearance by Paul J. Neel filed by on behalf of All Defendants. (Neel, Paul) (Entered: 05/11/2023) |
| 05/22/2023 | 5 | Motion to dismiss <i>Plaintiff's Complaint</i> filed by Laura Bloomberg, Cleveland State University, Christopher Mallett, Conor McLennan, Wendy Regoecki, Harlan M. Sands, Benjamin Ward. Related document(s) 1 . (Giffen, Karen) (Entered: 05/22/2023) |
| 05/22/2023 | 6 | Attorney Appearance by Kerin L. Kaminski filed by on behalf of All Defendants. (Kaminski, Kerin) (Entered: 05/22/2023) |
| 06/20/2023 | 7 | Memorandum of Law in Opposition to 5 Motion to dismiss <i>Plaintiff's Complaint</i> filed by Bryan Pesta. (Kelly, Frederick) (Entered: 06/20/2023) |
| 07/05/2023 | 8 | Reply in support of 5 Motion to dismiss <i>Plaintiff's Complaint</i> filed by All Defendants. (Giffen, Karen) (Entered: 07/05/2023) |
| 07/14/2023 | 9 | Opinion & Order. For the reasons stated in this Order, the Court GRANTS IN PART and DENIES IN PART the Defendants' motion to dismiss. (ECF Doc. 5 .) CSU and Count 3 are dismissed with prejudice. The individual Defendants in their official capacities are dismissed with prejudice in Counts 1 and 2. Remaining before the Court are Counts 1 and 2, against the individual Defendants in their individual capacities. Signed by Judge Dan Aaron Polster on 7/14/2023. (M,CE) (Entered: 07/14/2023) |
| 07/17/2023 | 10 | Case Management Conference Scheduling Order with case management conference to be held on 8/14/2023 at 10:00 AM via video conference (Cleveland) before Judge Dan Aaron Polster. Report of Parties' Planning Meeting due no later than 12:00 p.m. on 8/10/2023. Signed by Judge Dan Aaron Polster on 7/17/2023. (K,K) (Entered: 07/17/2023) |
| 07/17/2023 | | IMPORTANT: Notice [non-document] Case Management Conference RESET to 8/16/2023 at 10:30 AM at to be held by video conference (Cleveland) before Judge Dan Aaron Polster. Report of Parties' Planning Meeting is now due no later than 12:00 p.m. on 8/14/2023. Related document(s) 10 . (K,K) (Entered: 07/17/2023) |
| 07/26/2023 | 11 | Motion for extension of time until August 4, 2023 to Answer filed by Laura Bloomberg, Christopher Mallett, Conor McLennan, Wendy Regoecki, Harlan M. Sands, Benjamin Ward. (Kaminski, Kerin) (Entered: 07/26/2023) |
| 07/26/2023 | | Order [non-document] granting Defendant's 11 Motion for extension of time until August 4, 2023 to Answer. Approved by Judge Dan Aaron Polster on 7/26/2023.(K,K) (Entered: 07/26/2023) |
| 08/04/2023 | 12 | Answer to 1 Complaint, filed by Laura Bloomberg, Christopher Mallett, Conor McLennan, Wendy Regoecki, Harlan M. Sands and Benjamin Ward. (Giffen, Karen) (Entered: 08/04/2023) |

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| 08/11/2023 | <u>13</u> | Motion for reconsideration <i>and Leave to Amend Pleading</i> filed by Plaintiff Bryan Pesta. Related document(s) <u>9</u> . (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(Kelly, Frederick) (Entered: 08/11/2023) |
| 08/14/2023 | <u>14</u> | Report of Parties' Planning Meeting - parties do not consent to this case being assigned to the magistrate judge, filed by All Defendants. (Giffen, Karen) (Entered: 08/14/2023) |
| 08/14/2023 | <u>15</u> | Motion to excuse attendance at case management conference, filed by Defendant Christopher Mallett. (Giffen, Karen) (Entered: 08/14/2023) |
| 08/14/2023 | | Order [non-document] granting Defendant Mallett's Motion to excuse Attendance at Case Management Conference (Related Doc # <u>15</u>). Approved by Judge Dan Aaron Polster on 8/14/2023.(K,K) (Entered: 08/14/2023) |
| 08/15/2023 | <u>16</u> | Jury Demand filed by Bryan Pesta. (Kelly, Frederick) (Entered: 08/15/2023) |
| 08/16/2023 | | <p>Minutes of proceedings [non-document] On August 16, 2023, the Court held a Zoom Case Management Conference. In attendance were: the Plaintiff, Bryan Pesta; Plaintiff's Counsel, Frederick Kelly; Defendants, Laura Bloomberg, Benjamin Ward, Conor McLennan, and Wendy Regoeczi; Defense Counsel, Karen Giffen and Kerin Kaminski; CSU Counsel, Kelly King; and Ohio Attorney General's Office Counsel, Amy Ita. Defendants Sands and Mallett did not attend. The Court discussed the Plaintiff's Motion for Reconsideration and Leave to Amend Pleading (Doc. # <u>13</u>). The Court will issue a short order amending its prior orders to <i>without prejudice</i>. The Court will permit the Plaintiff to amend his complaint, so long as he articulates succinct allegations against the Defendants.</p> <p>The Court approves the parties' litigation schedule contained in Doc. # <u>14</u> , except for the following dates: Initial Expert Reports Due: 2/29/2024; Rebuttal Expert Reports Due: 3/29/2024; Expert Discovery Cut-Off: 5/3/2024; Dispositive Motions Due: 06/28/2024. The next Zoom status conference is at 9:30 am on November 20, 2023. A joint status report is due by 12:00 pm on November 16, 2023. Counsel will submit the Plaintiff's termination letter to the Court (email the law clerk tracy_doudt@ohnd.uscourts.gov) by 12:00 pm on 8/23/2023. The Court encourages the parties to make a more reasonable demand/offer and settle this case. (Court Reporter: n/a.) Time: 45 minutes. (K,K) (Entered: 08/16/2023)</p> |
| 08/16/2023 | <u>17</u> | Order For the reasons stated in the Order, the Court grants the Plaintiff leave to amend his complaint with the following requirement: the Plaintiff is DIRECTED to remove from his amended complaint the "many pages [of] irrelevant and extraneous historical accounts, political controversies, and philosophical opinions that have no bearing on his claims." ECF Doc. <u>9</u> , p.[17]. The Plaintiff's amended complaint will include a concise factual background and succinct allegations that comport with Fed. R. Civ. P. 8(d)(1) ("Each allegation must be simple, concise, and direct."). Signed by Judge Dan Aaron Polster on 8/16/2023.(K,K) (Entered: 08/16/2023) |
| 09/22/2023 | <u>18</u> | Amended complaint for money damages and declaratory and injunctive relief against Laura Bloomberg, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward, and adding new party defendants Cleveland State University Board of Trustees (with Exhibit #1 in support). Filed by Bryan Pesta. (Kelly, Frederick) Modified on 10/5/2023 (S,HR). (Entered: 09/22/2023) |
| 09/22/2023 | <u>19</u> | Letter to Judge Polster on Amended Complaint filed by Bryan Pesta. Related document(s) <u>17</u> , <u>18</u> . (Kelly, Frederick) (Entered: 09/22/2023) |
| 10/11/2023 | <u>20</u> | Joint Motion for extension of time until October 31, 2023 to answer <i>Plaintiff's Amended Complaint and Stipulation Regarding Service</i> filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor |

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| | | McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) Modified on 10/18/2023 (R,AP). (Entered: 10/11/2023) |
| 10/11/2023 | | Order [non-document] granting Defendants' 20 Motion for extension of time until October 31, 2023 to answer <i>Plaintiff's Amended Complaint and Stipulation Regarding Service</i> . Approved by Judge Dan Aaron Polster on 10/11/2023.(K,K) (Entered: 10/11/2023) |
| 10/31/2023 | 21 | Answer to 18 Amended complaint, filed by Laura Bloomberg, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, and Benjamin Ward. (Giffen, Karen) Modified text on 11/8/2023 (E,CK). (Entered: 10/31/2023) |
| 10/31/2023 | 22 | Answer to 18 Amended complaint, filed by Cleveland State University Board of Trustees. (Attachments: # 1 Exhibit 1 Collective Bargaining Agreement, # 2 Exhibit 2 - Bylaws of the Board of Trustees, # 3 Exhibit 3 - January 13, 2022 Letter, # 4 Exhibit 4 - February 28, 2022 Letter, # 5 Exhibit 5 - Minutes of the Boards January 27, 2022 Meeting) (Giffen, Karen) Modified text on 11/8/2023 (E,CK). (Entered: 10/31/2023) |
| 10/31/2023 | 23 | Motion for judgment on the pleadings with memorandum in support filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) (Entered: 10/31/2023) |
| 11/16/2023 | 24 | Joint Status Report of <i>The Parties</i> filed by All Defendants. (Giffen, Karen) (Entered: 11/16/2023) |
| 11/20/2023 | | Minutes of proceedings [non-document] On November 20, 2023, the Court held a Zoom status conference. In attendance were: the Plaintiff, Bryan Pesta; Plaintiff's Counsel, Frederick Kelly; Defense Counsel, Karen Giffen and Kerin Kaminski; and CSU Counsel, Kelly King. None of the individual Defendants attended. The Court discussed the Defendants' Motion for Judgement on the Pleadings (Doc. # 23) and directed Counsel to follow the local rules regarding discovery disputes. The Court did not schedule another status conference. (Court Reporter: n/a.) Time: 12 minutes. (K,K) (Entered: 11/20/2023) |
| 11/28/2023 | 25 | Motion for extension of time until December 11, 2023 to file response to 23 Motion for judgment on the pleadings, filed by Plaintiff Bryan Pesta. Related document(s) 23 . (Kelly, Frederick) (Entered: 11/28/2023) |
| 11/28/2023 | | Order [non-document] granting Plaintiff's 25 Motion for extension of time until December 11, 2023 to file response to 23 Motion for judgment on the pleadings. Plaintiff's response is due no later than 12:00 p.m. on 12/11/2023 . Defendant's reply is due no later than 12:00 p.m. on 12/27/2023 . Entered on behalf of Judge Dan Aaron Polster on 11/28/2023.(K,K) (Entered: 11/28/2023) |
| 12/11/2023 | 26 | Opposition to 23 Motion for judgment on the pleadings filed by Bryan Pesta. (Kelly, Frederick) (Entered: 12/11/2023) |
| 12/21/2023 | 27 | Reply in support of 23 Motion for judgment on the pleadings filed by All Defendants. (Giffen, Karen) (Entered: 12/21/2023) |
| 01/03/2024 | 28 | Opinion & Order For the reasons stated in the Order, the Trustees' 23 motion for judgement on the pleadings is granted and the Trustees are dismissed without prejudice. Should the Plaintiff develop evidence through discovery showing that any of the Trustees participated in the decision to terminate Professor Pesta, he may move to amend the complaint to add that Trustee(s) as a defendant. Signed by Judge Dan Aaron Polster on 1/3/2024. (K,K) (Entered: 01/03/2024) |
| 01/11/2024 | | Order [non-document]: The Court will hold a Zoom status conference at 10:00 am Friday, February 9, 2024. Counsel and all Clients/Client Representatives are required to attend. |

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| | | The parties will submit a joint status report by 12:00 pm on Wednesday, February 7, 2024. Entered on behalf of Judge Dan Aaron Polster on 1/11/2024. (M,CE) (Entered: 01/11/2024) |
| 01/22/2024 | 29 | Joint Motion for extension of Discovery Deadlines until Fact Discovery to March 15, 2024, etc. filed by Plaintiff Bryan Pesta. Related document(s) 14 . (Kelly, Frederick) (Entered: 01/22/2024) |
| 01/22/2024 | | Order [non-document] granting parties' 29 Joint Motion for extension of Discovery Deadlines. The Court adopts the following litigation schedule: Fact Discovery cut-off: March 15, 2024; Initial Expert Reports: April 15, 2024; Rebuttal Expert Reports: May 15, 2024; Expert Discovery cut-off: June 15, 2024; Dispositive Motion deadline: July 28, 2024. Entered on behalf of Judge Dan Aaron Polster on 1/22/2024. (M,CE) (Entered: 01/22/2024) |
| 02/05/2024 | 30 | Joint Motion to rescheduled February 9, 2024, pretrial for after close of fact discovery on March 15, 2024 filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) (Entered: 02/05/2024) |
| 02/06/2024 | | Order [non-document] granting Joint 30 Motion to rescheduled February 9, 2024, pretrial for after close of fact discovery on March 15, 2024. Status Conference reset for 3/20/2024 at 10:00 AM to be held by video conference (Cleveland) before Judge Dan Aaron Polster. The parties are directed to file a joint status report no later than 12:00 p.m. on 3/18/2024 . Entered on behalf of Judge Dan Aaron Polster on 2/6/2024.(K,K) (Entered: 02/06/2024) |
| 02/26/2024 | 31 | Notice of Issuance of Subpoena to <i>KeyCorp (KeyBank)</i> filed by All Defendants. (Attachments: # 1 Exhibit A - Documents Subpoena to KeyBank) (Giffen, Karen) (Entered: 02/26/2024) |
| 03/20/2024 | | Minutes of proceedings [non-document] On March 20, 2024, the Court held a Zoom status conference. In attendance were: the Plaintiff, Bryan Pesta; Plaintiff's Counsel, Frederick Kelly; Defendants, Laura Bloomberg, Benjamin Ward, Conor McLennan, Harlan Sands, Christopher Mallett, and Wendy Regoeczi; Defense Counsel, Karen Giffen and Kerin Kaminski; CSU Counsel, Kelly King; and Ohio Attorney General's Office Counsel, Amy Ita. The Court discussed fact discovery, depositions, and developments pertaining to the NIH investigation. The Court grants Plaintiff's request to extend fact discovery and orders the following deadlines in this case: Fact Discovery: 4/30/2024; Expert Discovery: 5/31/2024. Importantly, the date of Dispositive Motions remains the same: 7/28/2024. The parties will send the Court (email the law clerk tracy_doudt@ohnd.uscourts.gov) their respective expert reports. The Court will hold a Zoom status conference on 6/24/2024, at 10:30 am. A joint status report is due by 6/20/2024 at 12:00 pm. (Court Reporter: n/a.) Time: 32 minutes. (K,K) (Entered: 03/20/2024) |
| 05/11/2024 | 32 | Motion to Conform March 20, 2024 Docket Entry to Prior Order or, in Alternative, to Extend Expert Report Deadline to May 31, 2024 filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) (Entered: 05/11/2024) |
| 05/13/2024 | | Order [non-document] Re: Defendant's 32 Motion to Conform March 20, 2024 Docket Entry to Prior Order or, in Alternative, to Extend Expert Report Deadline to May 31, 2024. The Court clarifies the 3/20/2024 minutes of proceeding entry: the expert discovery cutoff is 6/15/2024 and the expert report cutoff is 5/31/2024. Entered on behalf of Judge Dan Aaron Polster on 5/13/2024.(K,K) (Entered: 05/13/2024) |
| 06/12/2024 | 33 | Joint Motion for extension of time until 06/28/24 to Expert Discovery Cut Off filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of |

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| | | Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) (Entered: 06/12/2024) |
| 06/13/2024 | | Order [non-document] granting 33 Joint Motion for extension of time until 06/28/24 to complete discovery and Status Report. Approved by Judge Dan Aaron Polster on 6/13/2024.(K,K) (Entered: 06/13/2024) |
| 06/14/2024 | 34 | Motion to excuse appearance <i>at Case Management Conference</i> filed by Conor McLennan, Harlan M. Sands. (Giffen, Karen) (Entered: 06/14/2024) |
| 06/17/2024 | | Order [non-document] granting Defendants' Motion to excuse appearance Of Defendants Harlan Sands and Conor McLennan at June 24, 2024, Status Conference. (Related Doc # 34) Approved by Judge Dan Aaron Polster on 6/17/2024.(K,K) (Entered: 06/17/2024) |
| 06/17/2024 | 35 | Notice to take Deposition of <i>Russell T. Warne</i> on <i>June 19, 2024</i> filed by All Defendants. (Giffen, Karen) (Entered: 06/17/2024) |
| 06/17/2024 | 36 | Supplement to Notice of Deposition - Exhibit to Defendants' Notice of Deposition Subpoena and Duces Tecum to Russell T. Warne, filed by All Defendants. Related document(s) 35 . (Giffen, Karen) (Entered: 06/17/2024) |
| 06/24/2024 | | Minutes of proceedings [non-document] On June 24, 2024, the Court held a Zooms status conference. In attendance were: the Plaintiff, Bryan Pesta; Plaintiff's Counsel, Frederick Kelly; Defendants, Laura Bloomberg, Benjamin Ward, Christopher Mallett, and Wendy Regoeczi; Defense Counsel, Karen Giffen and Kerin Kaminski; CSU Counsel, Kelly King; and Ohio Attorney General's Office Counsel, Amy Ita, and legal extern, Tyler Bensen. The Court discussed the NIH investigation and the remaining litigation dates. The Court denies Plaintiff's oral motion to extend the discovery cutoff past 6/28/2024, in order to take Defendants' expert's deposition. The Court declines to hold any additional status conferences before the dispositive motion deadline. (Court Reporter: n/a.)Time: 12 minutes. (K,K) (Entered: 06/24/2024) |
| 06/25/2024 | | The Court clarifies the minutes of proceeding dated 6/24/2024. Regarding Plaintiff's oral request to extend the discovery deadline past 6/28/2024, the Court directs Plaintiff's Counsel to discuss the matter first with Defense Counsel. At present, the Court declines to extend the discovery deadline. (K,K) (Entered: 06/25/2024) |
| 07/16/2024 | 37 | Motion for leave to exceed page limitations <i>on Motion for Summary Judgment</i> filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Giffen, Karen) (Entered: 07/16/2024) |
| 07/16/2024 | | Order [non-document] granting Defendants' 37 Motion to exceed page limitations. Plaintiff may also have 40 pages for his response and for his own dispositive motion, if any. Entered on behalf of Judge Dan Aaron Polster on 7/16/2024. (M,CE) (Entered: 07/16/2024) |
| 07/26/2024 | 38 | Deposition of Bryan J. Pesta taken on 01/29/2024 filed by All Defendants. (Attachments: # 1 Exhibit Ex. 1 - The Curriculum Vitae of Bryan J. Pesta, Ph. D., # 2 Exhibit Ex. 2 - An Editorial by Dr. Pesta in Psych, # 3 Exhibit Ex. 3 - An Article Entitled Global Ancestry and Cognitive Ability, # 4 Exhibit Ex. 4 - Sabbatical Documentation, # 5 Exhibit Ex. 5 - The Research Misconduct Investigation Final Report, # 6 Exhibit Ex. 6 - One Page Zoom Interview Submitted by Dr. Pesta, # 7 Exhibit Ex. 7 - Project Request 18007, # 8 Exhibit Ex. 8 - NIH Security Best Practice for Controlled-Access Data Subject to the NIH Genomic Data Sharing Policy, # 9 Exhibit Ex. 9 - Project Request No. 19090, # 10 Exhibit Ex. 10 - Timeline Regarding BJPs Data Access Requests, # 11 Exhibit Ex. 11 - Project Renewal, # 12 Exhibit Ex. 12 - Project Request for Project 19747, # 13 Exhibit Ex. 13 - Project Renewal Request for Project 19747, # 14 Exhibit Ex. 14 - Project Request 26271, # |

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| | | 15 Exhibit Ex. 15 - Email String with Attachments, # 16 Exhibit Ex. 16 - An Email String, # 17 Exhibit Ex. 17 - Interview 10-11-21 Supplement, Bryan Pesta, # 18 Exhibit Ex. 18 - Email from Bryan J. Pesta Dated 01-15-22, # 19 Exhibit Ex. 19 - A Letter from the Office of the Provost Dated 01-13-22, # 20 Exhibit Ex. 20 - Email from Brayn J. Pesta Dated 01-25-22 with Attachment, # 21 Exhibit Ex. 21 - Email from Brayn J. Pesta Dated 01-28-22 with Attachment, # 22 Exhibit Ex. 22 - Final Consideration Dated 02-14-22, # 23 Exhibit Ex. 23 - A Letter to Dr. Bloomberg Dated 02-28-22, # 24 Exhibit Ex. 24 - A Letter from the Office of the Provost Dated 02-28-22, # 25 Exhibit Ex. 25 - An Unfair Labor Practice Charge Document, # 26 Exhibit Ex. 26 - A Letter from Judy Knapp Dated 05-25-22, # 27 Exhibit Ex. 27 - The Affidavit of Linda Quinn, # 28 Exhibit Ex. 28 - The Affidavit of Birch Browning, # 29 Exhibit Ex. 29 - Investigator's Memorandum, # 30 Exhibit Ex. 30 - Dismissal of Unfair Labor Practice Charge, # 31 Exhibit Ex. 31 - Policy 334-28-01, # 32 Exhibit Ex. 32 - Plt's Response to Defs' 1st Req. for Documents, # 33 Exhibit Ex. 33 - A Letter for Dr. Pesta from Dr. Faison and Dr. Kahn, # 34 Exhibit Ex. 34 - A Form 99 0EZ, # 35 Exhibit Ex. 35 - An Email String, # 36 Exhibit Ex. 36 - An Email String, # 37 Exhibit Ex. 37 - An Email String, # 38 Exhibit Ex. 38 - An Email String, # 39 Exhibit Ex. 39 - An Email String, # 40 Exhibit Ex. 40 - An Email String, # 41 Exhibit Ex. 41 - An Email String, # 42 Exhibit Ex. 42 - An Email String)(Giffen, Karen) (Entered: 07/26/2024) |
| 07/26/2024 | 39 | Notice of Filing Deposition Transcript of Plaintiff- 01-29-24 filed by All Defendants. (Giffen, Karen) (Entered: 07/26/2024) |
| 07/26/2024 | 40 | Deposition of Bryan J. Pesta taken on 01/30/2024 filed by All Defendants. (Attachments: # 1 Exhibit Ex. 43 - The Interrogatories Completed by Bryan J. Pesta, # 2 Exhibit Ex. 44 - An Email Labeled My Situation, # 3 Exhibit Ex. 45 - An Email to Dear Colleagues Dated 01-15-22, # 4 Exhibit Ex. 46 - An Email String, # 5 Exhibit Ex. 47 - An Email String from Bryan J. Pesta dated 10-16-18 with Attachment, # 6 Exhibit Ex. 48 - An Email String, # 7 Exhibit Ex. 49 - An Email String between Bryan Pesta and Gerhard Meisenberg, # 8 Exhibit Ex. 50 - An Email String, # 9 Exhibit Ex. 51 - Document Reply to Bird, Carlson and Townsend Dated 10-11-21, # 10 Exhibit Ex. 52 - Dr. Pesta's Post-Sabbatical Report, Spring 2020, # 11 Exhibit Ex. 53 - An Email from Bryan Persta dated 5-20-23, # 12 Exhibit Ex. 54 - The Dissolution of HPDF from The Ohio Secretary of State, # 13 Exhibit Ex. 55 - Domestic Nonprofit Corp. Articles of Incorporation for HPDF)(Giffen, Karen) (Entered: 07/26/2024) |
| 07/26/2024 | 41 | Notice of Filing Deposition Transcript of Plaintiff - 01-30-24 filed by All Defendants. (Giffen, Karen) (Entered: 07/26/2024) |
| 07/26/2024 | 42 | Deposition of Russell T. Warne, Ph. D taken on 06/19/24 filed by All Defendants. (Attachments: # 1 Exhibit Ex. 1 - Subpoena with respect to the Deposition of Russell T. Warne, Ph.D., # 2 Exhibit Ex. 2 - Subpoena Mr. Kelly Received on Behalf of Dr. Warne, # 3 Exhibit Ex. 3 - Exhibit to the Subpoena That Referenced the Documents Asked to be Provided, # 4 Exhibit Ex. 4 - Curriculum Vitae of Russell T. Warne, Ph. D, # 5 Exhibit Ex. 5 - Expert Report of Russell T. Warne, Ph. D, # 6 Exhibit Ex. 6 - 07-01-19 Email, # 7 Exhibit Ex. 7 - 10-03-19 Email, # 8 Exhibit Ex. 8 - November 2019 Email String, # 9 Exhibit Ex. 9 - Email Correspondence With Gregory Connor, # 10 Exhibit Ex. 10 - March 2020 Email String, # 11 Exhibit Ex. 11 - Email, # 12 Exhibit Ex. 12 - Email String)(Giffen, Karen) (Entered: 07/26/2024) |
| 07/26/2024 | 43 | Notice of Filing Deposition Transcript of Russell T. Warne, Ph.D filed by All Defendants. (Giffen, Karen) (Entered: 07/26/2024) |
| 07/28/2024 | 44 | Motion for summary judgment filed by Plaintiff Bryan Pesta. (Attachments: # 1 Certification LR 7.1(f))(Kelly, Frederick) (Entered: 07/28/2024) |
| 07/28/2024 | 45 | Affidavit/Declaration of Expert Dr. Russell Warne filed by Bryan Pesta. Related document(s) 44 . (Attachments: # 1 Exhibit Warne Expert Report dated March 14, 2024) |

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| | | (Kelly, Frederick) (Entered: 07/28/2024) |
| 07/28/2024 | 46 | Declaration of Dr. Bryan J. Pesta filed by Plaintiff Bryan Pesta. Related document(s) 44 . (Attachments: # 1 Exhibit Exhibit 1 - NIH Email of September 19, 2019, # 2 Exhibit Exhibit 2 - Pesta Email of Sepetmber 20, 2019, with prior exchange, # 3 Exhibit Exhibit 3 - Pesta Appeal to NIH of June 21, 2021)(Kelly, Frederick) Modified text (K,K). (Entered: 07/28/2024) |
| 07/29/2024 | 47 | Motion for summary judgment filed by Laura Bloomberg, Cleveland State University, Cleveland State University Board of Trustees, Christopher Mallett, Conor McLennan, Wendy Regoeczi, Harlan M. Sands, Benjamin Ward. (Attachments: # 1 Exhibit Exhibit 1 Affidavit of Laura Bloomberg, # 2 Exhibit Exhibit 2 Affidavit B. Ward Final, # 3 Exhibit Exhibit 3 Affidavit - Oakes, # 4 Exhibit Exhibit 4 Pesta-NIH Correspondence, # 5 Exhibit Exhibit 5 Fuerst Correspondence re Destruction of NIH Data, # 6 Exhibit Exhibit 6 Office of Research, # 7 Exhibit Exhibit 7 HPDF 2019 Tax Return_Redacted, # 8 Exhibit Exhibit 8 HPDF 2021 Tax Return_Redacted, # 9 Exhibit Exhibit 9 HPDF KeyBank Account Statements_Redacted)(Giffen, Karen) (Entered: 07/29/2024) |

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